

and contained minerals from organic sources, that is aluminum, iron, manganese, calcium, magnesium, sodium, and potassium; that the continued use of the article would remove the sting from eyes which were in bad condition because of disease; that it would restore eyesight and prevent blindness; that it was efficacious in the cure, mitigation, treatment, or prevention of granulated lids and ulcers; that it was efficacious in the cure, mitigation, treatment or prevention of disease of the eye after doctors failed to give relief; that it was a mysterious and miraculous discovery revealed by Divine Providence; that it was a perfect eye medicine, the sole ingredients of which were natural barks; that it was a perfect, absolutely harmless eye medicine and would work miraculous cures of diseases of the eye were false and misleading since the drug was neither an article of the nature represented nor was it efficacious or wonderful for diseases of the eye as represented.

On October 29, 1942, the defendant having entered a plea of not guilty, the case come on for trial before a jury which, after deliberation, returned a verdict of guilty. Upon polling the jury, one member stated that he was not satisfied as to the defendant's guilt although he had so voted, and on this basis the court granted the defendant's motion for a new trial. On December 5, 1942, the case was dismissed. (See also notice of judgment No. 927 this issue.)

929. Misbranding of Tritolac, Alimentone Powder, and Alimentone Tablets. U. S. v. Thomas E. Collins (Thomas E. Collins Co.). Tried to the court. Defendant adjudged guilty and fined \$200. (F. D. C. No. 6398. Sample Nos. 32623- E to 32626-E, incl.)

On February 27, 1942, the United States attorney for the Northern District of California filed an information against Thomas E. Collins, trading as Thomas E. Collins Co., at San Francisco, Calif., alleging shipment on or about July 15, 1940, from the State of California into the State of Arizona of quantities of the above-named drugs which were misbranded.

Analysis of a sample of the Tritolac showed that it consisted essentially of embryonic tissues closely resembling wheat germ, a spray-dried product closely resembling spray-dried skim milk, and an appreciable amount of wheat bran particles. It was alleged to be misbranded in that statements in the labeling which represented that it would be efficacious in the cure, mitigation, treatment, or prevention of disease were false and misleading since they represented and suggested that the article would be efficacious in restoring vitality and in maintaining resistance; that it was an excellent tonic for the nervous person and those in a run-down condition; that it would be efficacious in the correction of functional and degenerative changes in the entire nervous system and similar changes in the organs and tissues of the body; that it was efficacious in the treatment of acidosis and other digestive disturbances; that it was a wonderful rebuilder of those who were underweight due to malassimilation or wasting diseases, and would be efficacious in producing increased growth and increased weight in children, whereas the article would not be efficacious for such purposes.

Analysis of a sample of the Alimentone Powder showed that it consisted essentially of a spray-dried product, such as spray-dried skim milk, embryonic tissues, such as wheat germ, and dried green leafy or stemmy materials such as garden vegetables. Analysis of a sample of the Alimentone Tablets showed that they consisted essentially of embryonic tissues, such as wheat germ, and dried green leafy and stemmy material, such as garden vegetables. The Alimentone Powder and Tablets were alleged to be misbranded in that the statements regarding their efficacy in the cure, mitigation, treatment, or prevention of disease, appearing in the circular which accompanied them, were false and misleading in that they represented and suggested that the articles would be efficacious in the treatment of overweight; that they would be efficacious to expel mucus and to relieve colds, nasal catarrh, asthma, bronchitis, mucus colitis, and other catarrhal conditions; that they would be efficacious in the treatment of inflammation of the mucus membranes and of congested and infected tissues; that they would maintain the normal flow of secretions from the mucus membranes and thus continuously flush away any impurities which might lodge in the cell tissues; that they would maintain the defensive reaction against impurities and bacteria in the cell tissues and would increase the discharge from the part affected and eliminate accumulated waste; that they would be efficacious in the treatment of bronchial asthma and all types of catarrhal conditions including nasal catarrh, mucus colitis, and vaginal catarrh; that they would keep the membranes in a healthy condition, and would be efficacious in the treatment of hay fever; and that they would heal inflammation and tone

the membranes, and would eliminate toxic deposits from the tissues, whereas they would not be efficacious for such purposes.

On April 28, 1943, the defendant having entered a plea of not guilty and a jury having been waived, the case came on for trial before the court. During the course of the trial the information was amended in order to strike the circular alleged to have accompanied the Alimentone Powder and Tablets, and to substitute a different circular. No amendment, however, was made to the charges based on the stricken circular hereinbefore set forth. The case was concluded on April 30, 1943, with a finding of guilt by the court. A fine of \$200 was imposed.

930. Misbranding of Tonico Fir-Veta. U. S. v. Genevevo Gonzales Garcia (El Modelo Medicine Co.) Plea of guilty. Fine, \$25. (F. D. C. No. 6416. Sample No. 7617-E.)

On December 22, 1942, the United States attorney for the Western District of Texas filed an information against Genevevo Gonzales Garcia, trading as El Modelo Medicine Co., at San Antonio, Tex., alleging shipment on or about November 25, 1940, from the State of Texas into the State of California of a quantity of Tonico Fir-Veta which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of strychnine and quinine salts, small portions of iron, calcium, manganese and potassium compounds including hypophosphites, alcohol, and syrup.

The article was alleged to be misbranded in that certain statements appearing in the circular accompanying the article were false and misleading since they represented and suggested that the article would promote, restore, and insure health; that it would be efficacious to increase resistance in children, relieve them of over-tension, strengthen their bones and enable them to gain weight and sleep more restfully, and would correct the causes of nervousness, poor health and lack of energy in children; that it would be efficacious to stimulate the appetite and give additional energy and would keep working girls physically fit, give them a good appetite, and increase their vitality; that it would maintain a high body resistance and ward off colds, croup, and other infections, and would be efficacious in the treatment of tired, nervous, disordered stomach and sluggish bowels, whereas the article would not be efficacious for such purposes.

It was alleged to be misbranded further in that the statements: "El Modelo Medicine Co. has complied with the new Federal Food, Drug and Cosmetic Act," and "The laws regulating the manufacture and sale of Drugs and Medicines for your protection, the new Federal Food, Drug, and Cosmetic Act, have been fully complied with by 'El Modelo Medicine Co.,' " appearing in the circular, were false and misleading since they implied that the article complied with the Federal Food, Drug, and Cosmetic Act, whereas it did not comply with such Act.

It was alleged to be misbranded further in that its container, a carton, was so made, formed, and filled as to be misleading, since the carton was much larger than was necessary to hold the bottle contained in it.

On January 22, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$25.

931. Misbranding of Tuberculosis Compound. U. S. v. Emile Carpentier (Dr. Emile Carpentier, N. D.) Tried to court and jury. Verdict of guilty. Sentence, 1 year's imprisonment. Sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 7193. Sample No. 51921-E.)

On July 17, 1942, the United States attorney for the District of New Jersey filed an information against Emile Carpentier, trading as Dr. Emile Carpentier, N. D., at Hillsdale, N. J., alleging shipment on or about October 1, 1941, from the State of New Jersey into the State of Massachusetts of a quantity of a drug, described in the label as "Tuberculosis Compound," which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of plant material, sugars, a fatty substance, and water.

The article was alleged to be misbranded in that the statements in the labeling which represented and suggested that it would cure, in from 6 weeks to 6 months time, tuberculosis of the lungs, the larynx, the bones, the intestines, the kidneys, and the brain, that it would be efficacious in the cure, mitigation, treatment, or prevention of chronic bronchitis, congested lungs, colitis, chronic gastritis, ulcerated duodenum, ulcerated stomach, and ulcerated intestines; that it contained tested exhilarating and vitalizing herbs, roots, and ingredients which would eliminate the germs ("bugs") of tuberculosis, were false and misleading, since the article would not be efficacious for such purposes.